

AMENDMENTS TO THE DRAWINGS

Please substitute the enclosed Figs. 5, 6 and 7 for the Figs. 5, 6 and 7 currently on file.

Attachment: Replacement sheet.

REMARKS

In the outstanding office actions, claims 49 and 52 were rejected under 35 U.S.C. §112; each of the claims was rejected under a provisional double-patenting standard; claims 44, 45, 46, 50 and 52 were rejected as anticipated by any of Kolibar, Bedford, and Worth; and claims 50-52 were rejected as obvious over Bedford in view of Miller. In addition, the specification was objected to as being inconsistent with the drawings. By way of this amendment, the drawings are amended, claim 49 is canceled, and claims 44, 47, 51 and 52 are amended. Accordingly, applicants respectfully submit that the application is in condition for allowance and respectfully solicit same.

First, with respect to the drawings, applicants have amended the drawings to be consistent with the specification. More specifically, as will be noted in new Figure 5 submitted herewith, the height of the rollers 42 is now shown as being above the height of walls 18 and 28, and thus is now consistent with the specification specifically at page 6, paragraph 3. Accordingly, the applicants respectfully submit the objection to the drawings should be withdrawn.

With respect to the rejections under §112, claim 49 has been canceled, the word “member” has been deleted from claim 52 thus making it consistent with the “divider bar” element introduced in claim 50. In addition, although not noted by the Examiner, claim 51 has been similarly amended. In light of the foregoing, applicants respectfully submit that the §112 rejections should be withdrawn as well.

Claims 44-52 have been provisionally rejected under a double-patenting standard. However, applicants respectfully submit that claims 19-27 of allowed

application serial number 10/141,559 have in fact been canceled from that application thus making the provisional rejection moot.

Turning now to the prior art rejections, claims 44, 45, 46, 50 and 52 have been rejected as anticipated by Kolibar. In light of the amendments to independent claim 44, applicants respectfully submit this anticipation rejection should be withdrawn.

Claim 44 has been amended to recite, *inter alia*, a clip for joining a plurality of lower trays in a gravity feed roller system wherein each clip includes first and second side, and each of the first and second sides includes first and second protruding tines flanking a central guidepost.

Kolibar fails to disclose such elements. More specifically, Kolibar, which is directed to a fastening device for securing circuit boards in parallel disposition relative to each other, simply discloses a cylindrical rod 4 which includes a plurality of spaced sets of cams 36. As can be readily noted from its Figure 3, such cams 36 can be inwardly depressed to allow for passage of a given circuit board A, B, and C. Upon being positioned between sets of cams, the cams can then revert to an outwardly biased position thus securing the boards in position. A number of elements of claim 44 can therefore be seen not to be present in the Kolibar reference. Firstly, Kolibar is simply not a clip for joining a plurality of roller trays in a gravity feed roller system together, but rather is a fastening rod for securing circuit boards together. However, above and beyond that distinction, it clearly does not disclose first and second tines flanking a central guidepost

on each of the sides of the clip. Accordingly, applicants respectfully submit that the rejection of claims 44-46, 50 and 52 based on Kolibar should be withdrawn.¹

Claims 44 and 50 were similarly rejected as anticipated by Bedford, U.S. Patent No. 3,509,978. However, again, Bedford simply fails to disclose each and every element of independent claim 44.

Bedford at least is directed to conveying equipment and does disclose a clip 20 for connecting sections of conveying equipment together. However, as will be noted from its Figure 5, the clip 20 is simply cross-shaped. The cross-shape includes an upwardly extending central section (unnumbered) with first and second laterally extending arms (unnumbered) wherein each of the arms includes a downwardly depending tang which the Examiner is presumably likening to the tines of the pending claim. Even if this is the case, Bedford clearly fails to disclose each and every element of the now amended claim 44 which specifies that the clip, on each of its first and second sides, includes first and second tines flanking a central guidepost. Clearly, all that Bedford can then be accurately described as disclosing would be a clip having a single tine extending from each of its sides. In light of this, the anticipation rejection of the claims based on Bedford should be withdrawn as well.

Claims 44-48 have been rejected as anticipated by Worth, U.S. Patent 4,664,458. For reasons similar to those indicated above, this anticipation rejection must be withdrawn as well.

¹ Anticipation under 35 USC §102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention. *Rockwell International Corp. v. United States* 47 USPQ2nd 1027 (Fed. Cir. 1998).

Worth is again not directed to a clip for joining roller trays together but rather, similar to Kolibar, is a clip for joining circuit boards together. More specifically, each of the clips 10 of Worth, include lugs 22, 24, 26 and 28, each of which is severed into halves A and B for frictional attachment to a circuit board as shown best in its Figure 3. However, Worth clearly fails to disclose a guidepost which is flanked by first and second tines, much less a guidepost which is longer than the length of the tines, and wherein both of the tines and guidepost extend into apertures provided within the roller trays themselves. In light of this, Worth fails to disclose each and every element of the amended claims, and thus the anticipation rejection of the claims base on Worth should be withdrawn as well.

Finally, claims 50-52 have been rejected as obvious over Bedford in view of Miller. As will be noted, Bedford has been described above as disclosing a relatively simplistic clip only having first and second arms extending laterally from a central partition. The Examiner admits that the clip of Bedford fails to disclose a slot for receipt of a divider bar, and for this purpose cites the Miller reference. However, regardless of the teachings of Miller with respect to a divider bar and/or slot, it clearly fails to disclose the aforementioned structure already shown to be lacking from the Bedford reference. More specifically, Miller while disclosing a clip for holding rails of a conveying assembly, Miller clearly fails to disclose a clip for joining roller trays together much less one having specific structure of first and second tines flanking a central guidepost all of which extend from first and second sides of the clip. In light of this, applicants respectfully submit that Miller in combination with Bedford fails to disclose each and

every element of the pending claims, and thus the obviousness rejection thereof must fail.²

In light of the foregoing, applicants respectfully submit that each of the pending claims, namely claims 44-48 and 50-52, are in condition for allowance and respectfully solicit same. Should the Examiner have any questions, he is respectfully invited to telephone the undersigned.

Dated: March 28, 2005

Respectfully submitted,

By 

Thomas A. Miller

Registration No.: 40,091

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant

² To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.** MPEP §2143